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JoAnne.Wessinger-Hill

From: JoAnne.Wessinger-Hill
Sent: Friday, February 21, 2020 3:05 PM
To: 'richard@rlwhitt.law'; Grube-Lybarker, Carri; Dover, Becky; 'matthew.gissendanner@dominionenergy.com'; 'Kenneth.burgess@dominionenergy.com'; Knowles, Alex; Huber, Christopher; J. Ashley Cooper; 'willmiddleton@parkerpoe.com'; Hall, Roger
Cc: PSC_Clerk's Office Distribution Group; PSC_Commissioners; PSC_Legal Department; PSC_Technical Advisory; Duke, Daphne; Easterling, Deborah
Subject: RE: Docket No. 2019-390-E Ganymede Solar, LLC's Petition Pursuant S.C. Code Ann. Section 58-27-980 v. Dominion Energy South Carolina, Incorporated and Motion to Maintain Status Quo
Attachments: SHOD Order No. 2020-12-H RE 2019-390-E Ganymede Solar, LLC v. Dominion Energy South Carolina Inc.pdf; UTILITIES - 2-24-20 - inhouse.pdf
Importance: High

Counsel of Record:

Please see the attached courtesy copy of Order No. 2020-12-H which grants the extension to March 6, 2020 of the Direct Testimony of DESC and the extension to March 13, 2020 for Ganymede to file its Rebuttal Testimony.

With regard to this matter, the Commission issued Order No. 2020-43 and therefore, the Commission would be the one to address clarifying their Order related to the Motion for Clarification of Ganymede Solar, LLC. That motion seeks (1) to clarify Commission Order No. 2020-43, (2) to instruct Dominion (DESC) to acknowledge jurisdiction and authority of the Commission, and (3) to instruct DESC to cease actions inconsistent with the Commission's authority and jurisdiction. Ganymede's position set forth in the is that DESC has acted contrary to its filed Petition/Motion when DESC stated on January 8, 2020 after the Petition/Motion's filing date that the Project was in default with its Interconnection Agreement and then asks for the Commission to "explicitly state that the status quo between the parties must be maintained" upon the filing of the Petition and Motion for Status Quo and/or while the motion is under advisement by the Commission.

On February 5, 2020 by letter, Dominion Energy South Carolina, Inc. (DESC) moved for a five (5) day extension from the later of (a) DESC's deadline to submit its Direct Testimony from its current deadline of February 19, 2020, and (b) the date upon which Ganymede Solar, LLC (Ganymede) submits "adequate discovery responses" to DESC in accordance with this Commission's rules and regulations. Adequate responses was not defined. On February 12, 2020, Ganymede did make the following request: "I request on behalf of Ganymede, that all subsequent filing deadlines and the Hearing date be indefinitely extended, if you extend the Utility's February 19, 2020 filing date, as requested in the Utility's correspondence today." I read this to request not for an additional five (5) days to file any prefiled testimony, but to indefinitely extend to an unknown date in the future all remaining filing deadlines, as well as postponing the hearing on the merits of this matter to an unknown time in the future. That request has not been acted upon and would be subject to a response (if any) by DESC within 10 days of service or February 23rd. It is noted that Ganymede filed a letter on February 17, 2020 which appears to be in reply regarding this motion. An extension was provided to DESC for five (5) additional days from February 19th (i.e., February 24, 2020) due to the discovery dispute between the parties.

Ganymede timely filed its Objections/Responses to Company's First Set of Discovery Responses and its Motion for Protective Order on February 4, 2020. Thereafter, DESC filed a response to Ganymede's Motion for Protective Order on February 14, 2020, and Ganymede has five (5) days from the date of service of DESC's response to file a Reply (if

any). DESC filed its Motion to Compel on February 11, 2020. Ganymede has submitted a response on February 19, 2020 and DESC has filed a Reply.

Order No. 2020-11-H states that “nothing prohibits these matters from being further addressed or modified if needed by motion of the parties and consent of the Commission.” This would include, but is not limited to, an extension of time requested by the parties. Ganymede on February 20th moves for the same seven-day timeframe to file responsive rebuttal testimony after the direct testimony of DESC. And, today, DESC has requested an extension to its deadline for its prefiled direct testimony until March 6th due to the discovery issues between the parties reflected in a motion for protective order and motion to compel. Order No. 2020-12-H which grants the extension to March 6, 2020 of the Direct Testimony of DESC as the current deadline is February 24, 2020 and grants the extension to March 13, 2020 for Ganymede to file its Rebuttal Testimony. Likewise, Order No. 2020-12-H does not prohibit these matters from being further addressed or modified and such Directive Order is in effect until further Order of the Commission.

It appears that all pending motions* filed as of February 18, 2020 are (or will be on Monday Feb 23) ready for consideration by the Commission. If there is a reason why a motion should not be on the Commission’s agenda, please advise; however, the discovery motions need to be addressed. Attached is a copy of the Commission’s agenda for next week, Thursday, February 27th.

With kind regards,

Jo Anne

C. Jo Anne Wessinger Hill, Esq.

Staff Counsel

Public Service Commission

State of South Carolina

101 Executive Center Drive, Suite 100

Columbia, SC 29210

www.psc.sc.gov

Email: JoAnne.Hill@psc.sc.gov

803-896-5100 (main) | 803-896-5188 (f) | JoAnne.Hill@psc.sc.gov

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

HEARING EXAMINER DIRECTIVE

DOCKET NO. 2019-390-E ORDER NO. 2020-12-H

FEBRUARY 21, 2020

C. Jo Anne Wessinger Hill
Standing Hearing Officer

DOCKET DESCRIPTION:

Ganymede Solar, LLC's Petition Pursuant S.C. Code Ann. Section 58-27-980 v. Dominion Energy South Carolina, Incorporated and Motion to Maintain Status Quo.

MATTERS UNDER CONSIDERATION:

- (1) MOTION FOR EXTENSION by Gandmede Solar, LLC dated February 21, 2020; and
- (2) MOTION FOR EXTENSION by Dominion Energy South Carolina, Inc. dated February 21, 2020.

HEARING OFFICER ACTIONS:

On February 21, 2020, by letters respectively from Dominion Energy South Carolina, Inc. (DESC) and from Gandmede Solar, LLC (Ganymede), the parties each move for an extension from current Testimony deadlines requesting that that DESC have until March 6, 2020, to file its Direct Testimony and that Ganymede's responsive Rebuttal Testimony would be due seven (7) days thereafter on March 13, 2020.

The request for an extension for an extension to March 6, 2020, for DESC to file any Direct Testimony and for an extension to March 13, 2020, for Ganymede to file any responsive Rebuttal Testimony is granted. Nothing prohibits these matters or others from being further addressed or modified if needed by motion of the parties and consent of the Commission.

This Order shall remain in full force and effect until further Order of the Commission.